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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,752	11/17/2000	Sanjay S. Gadkari	INTL-0478-US (P10026)	6968

7590	09/09/2004

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EXAMINER
ZHONG, CHAD

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/715,752	GADKARI, SANJAY S.
	Examiner	**Art Unit**
	Chad Zhong	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 August 2004</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-13,15-22 and 24-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-13,15-22 and 24-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

OFFICE ACTION

1.   This action is responsive to communications: Appeal Brief, filed on 08/03/2004.

2.   Claims 1-3, 5-13, 15-28 are presented for examination. In amendment A, filed on 03/15/2004:

Claims 1, 5, 8, 11, 15, 21 are amended;

Claims 4, 14 are canceled;

Claims 26-28 are new.

3.   Prosecution on the merits of this application is reopened on claims 1-3, 5-13, 15-28 considered

unpatentable for the reasons indicated below.

Claim Rejections - 35 USC § 112, second paragraph

4.   Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

a.   The following terms lack antecedent basis:

i.   said device – claim 8.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United
States before the invention thereof by the applicant for patent, or on an international application by another who has
fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by
the applicant for patent.

6.   Claims 1, 3, 5, 11, 13, 15-17, 18, 21, 22, 25-28 are rejected under 35 U.S.C. 102(e) as anticipated by Cajolet, US 6,192,388 or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cajolet, US 6,192,388.

7.   As per claim 1 and 11, Cajolet teaches a method comprising:

assigning distributed computing tasks to said processor-based devices (Col. 2, lines 45-47; plurality of computers are assigned tasks, thus the distributed nature is taught); and

logging the tasks and the processor-based device assigned to each task (Col. 10, lines 40-49; the logging section was never mentioned, however it is inherent characteristic of Cajolet's system, to assign uncompleted portion to processors, a list of sorts must be present to keep track of processors. Further, it would have been obvious to one of the ordinary skilled in the art to include a log to keep track of events in the system for future references, in the case of Cajolet, a log would have been obvious to avoid duplicate assignment of tasks).

8.   As per claims 3 and 13, Cajolet teaches the method of including subdividing a distributed computing job into tasks and assigning each of said tasks to a different device (Col. 2, lines 45-47).

9.   As per claims 5 and 15, Cajolet teaches the method of including developing an estimate of the time to task completion (Col. 3, lines 4-11; Col. 10, lines 7-20; Col. 9, lines 5-14).

10.   As per claim 21, Cajolet teaches a system comprising:

a processor-based device (Col. 1, lines 7-12); and

a storage coupled to said processor-based device storing instructions that, if executed, enable said device to operate a managed network of consumer-use processor-based clients (Col. 3, lines 40-41; teaches storage and execution to manage network devices), assign distributed computing tasks to said processor-based clients (Col. 3, lines 17-21), and log each task and device assigned to complete said t

(Col. 10, lines 40-49).

11.   As per claim 22, Cajolet teaches the system of claim 21 wherein said system is a server (Col. 5, line 30).

12.   As per claim 25, Cajolet teaches the system of claim 21 wherein said storage stores instructions that enable said processor-based device to divide a distributed computing job into a plurality of tasks (Col. 2, lines 45-47), assign said tasks to specific processor-based clients, and estimate the time to complete said job by said clients (Col. 3, lines 4-12).

13.   As per claim 26, Cajolet teaches the system of claim 21 further storing instructions to develop an estimate of the time to task completion (Col. 9, lines 7-15; Col. 10, lines 7-19).

14.   As per claim 27, Cajolet teaches the system of claim 21 further storing instructions that, if no results are received after the passage of said time estimate, querying said device (Col. 10, lines 7-19).

15.   As per claim 28, Cajolet teaches the system of claim 26 further storing instructions to automatically request said results after the passage of said time estimate (Col. 10, lines 7-19).

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

17.   Claims 2, 9-10, 12, 19-20, 24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over

Cajolet, US 6,192,388 in view of Anand et al. (hereinafter Anand), US 5,832,496.

18.   As per claims 2, 12 and 24, Cajolet does not teach the method of including establishing a

persistent connection between at least one of said devices and a server.

19.   Anand teaches the method of including establishing a persistent connection between at least one

of said devices and a server (Col. 12, line 5; Col. 13, lines 8-21).

20.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Cajolet and Anand because they both deals with distributed network systems.

Furthermore, the teaching of Anand to allow the method of including establishing a persistent connection

between at least one of said devices and a server would improve the efficiency and utilization for

Cajolet's system by establishing a connection on an as per needed basis, as well as pipelining instructions

during that connection.

21.   As per claims 9 and 19, Cajolet does not teach the method of including receiving the results of

said task from a device and providing an acknowledgement to said device when the results are received

correctly.

22.   Anand teaches the method of including receiving the results of said task from a device and

providing an acknowledgement to said device when the results are received correctly (Col. 55, lines 7-8).

23.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Cajolet and Anand because they both deals with distributed network systems.

Furthermore, the teaching of Anand to allow the method including receiving the results of said task from

a device and providing an acknowledgement to said device when the results are received correctly would

improve the efficiency and fault tolerance for Cajolet's system by giving the sending device an

acknowledgement indicating the correct data have been received, without wasting additional bandwidth to

resend data.

24.   As per claim 10 and 20, Cajolet does not teach the method of including receiving a completion

message from a device and automatically establishing an upload session to receive the task results.

25.   Anand teaches the method of including receiving a completion message from a device and

automatically establishing an upload session to receive the task results (Col. 54, lines 54 – Col. 55, line

17).

26.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Cajolet and Anand because they both deals with distributed network systems.

Furthermore, the teaching of Anand to allow the method of including receiving a completion message

from a device and automatically establishing an upload session to receive the task results would

improve the efficiency and fault tolerance for Cajolet's system freeing up network resources by keeping a

persistent connection only when needed, this reduces errors that can occur if a connection is left

connected for too long.

27.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cajolet, US 6,192,388 in

view of "Official Notice".

28.   As per claim 23, Cajolet does not teach the system of claim 22 wherein said server is a system

management server. However, "Official Notice" is taken by the examiner that a system

management server is notoriously well known and expected in the art for the advantage of bring

distributed services to clients and managing network.

29.   Claims 6-8, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cajolet, US

6,192,388 in view of Foster et al. (hereinafter Foster), "Control and Management in a Mobile Agent

Workflow Architecture."

30.   As per claims 6 and 16, Cajolet does not explicitly teach the method of if no results are received

after the passage of said time estimate, querying said device.

31.   Foster teaches the method of if no results are received after the passage of said time estimate,

querying said device (pg 7, lines 24-37).

32.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Cajolet and Foster because they both deals with distributed network systems.

Furthermore, the teaching of Foster to allow

the method of if no results are received after the passage of said time estimate, querying said device

would improve the fault tolerance for Cajolet's system by systematically polling the remote devices

which the system is responsible for.

33.   As per claims 7 and 17, Cajolet does not explicitly teach the method of automatically requesting

said results after the passage of time estimate.

34.   Foster teaches the method of automatically requesting said results after the passage of time

estimate (pg 7, lines 24-37).

35.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Cajolet and Foster because they both deals with distributed network systems.

Furthermore, the teaching of Foster to allow

the method of automatically requesting said results after the passage of time estimate

would improve the functionality for Cajolet's system by automatically polling the remote devices

which the system is responsible for.

36.   As per claims 8 and 18, Cajolet does not explicitly teach the method of including maintaining,

from a server, the software on said devices.

37.   Foster teaches the method of including maintaining, from a server, the software on said devices

(pg 8, lines 1-9).

38.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Cajolet and Foster because they both deals with distributed network systems.

Furthermore, the teaching of Foster to allow

the method of including maintaining, from a server, the software on said devices

would improve the efficiency for Cajolet's system by automatically polling the remote devices' software

which the server is responsible for.

Conclusion

39.   Applicant's remarks filed 3/15/04 have been considered but are found not persuasive in

view at the new grounds at rejection necessitated by Applicant's amendment.

40.   In the remark, the applicant argued in substance that Cajolet fails to disclose or suggest

logging of tasks that are assigned, and no such task list is maintained.

In response to applicant's amendment, Cajolet does teach logging of tasks that are assigned and a

task list is maintained.

Referring to Col. 10, lines 40-49, of Cajolet. When the completed task is returned to server by the end

user units (assistants), they are then put through a decision block on the server side to determine if any

portion of the assigned task remains unsolved, including portions of the task that were interrupted because

the local operator has assumed control of an assisting computer. If so, a block 148 provides for assigning

any uncompleted portions of the task to each successively available assisting computer. The above

actions would require the server to keep track of the tasks that were assigned to the devices within a

list/log on the server memory, which is suggested at location Col. 9, line 63 – Col. 10, line 6. If the server

is not keeping track of tasks assigned as suggested by applicant, the server would have no record on status

of tasks such as assignment, completion or interruption progress, and could not further assign the

uncompleted tasks to other devices for further processing.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Chad Zhong whose telephone number is (703) 305-0718. The examiner can normally be

reached on M-F 7am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John

A Follansbee can be reached on 703-305-8498. The fax phone numbers for the organization where this

application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238

for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should

be directed to the receptionist whose telephone number is 703-305-3900.

CZ
September 4, 2004

Dung C. Dinh
Primary Examiner